

### DRAWING AMENDMENTS

Pursuant to 37 CFR 1.84, please amend the drawings by entering the attached papers, each paper being identified "Replacement Sheet".

## REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by the undersigned attorney and applicant(s). Reconsideration of the application is respectfully requested.

### **1. Summary of the Office Action.**

The drawings were objected to.

Claims 1-15 were pending.

Claims 1-3, 5, 6, 8 and 10-15 stand rejected under 35 U.S.C §102(b) over Mullenberg (U.S. Patent (5,639,176).

Claims 4, 7 and 9 stand rejected under 35 U.S.C §103(a) over Mullenberg.

### **2. Discussion.**

#### **Drawing Objections**

Responsive to the drawing objection, enclosed are amended drawings identified by "Replacement Sheet" or "New Sheet". The examiner is thanked for pointing out the unclear aspect of the drawing. The specification has been amended to conform to the drawing change. These changes involve no new matter.

#### **Claim Rejections - 35 USC §102-103**

**Claims 1-3, 5, 6, and 10-15.** These claims was rejected under 35 USC §102(b) as being anticipated by Mullenberg. Independent **claims 1, 14 and 15** are amended to patentably distinguish and limit the securement method of applicant over Mullenberg by defining the method to require that the component recess taper have a predetermined cone angle, that the positioned clamping member have a generally frustoconical form and a predetermined cone angle, and that these two cone angles be approximately the same. These amendments are supported by the disclosure at page 7, lines 12-14.

This structure and function is not shown, suggested or made obvious by Mullenberg, particularly as interpreted by the Examiner. Mullenberg discloses a non-frustoconical clamp 11 and component 18 and clamp 11 taper angles which are substantially different. Referring to Fig. 1 and col. 3, lines 41-52, component taper angle 20 is about 3 degrees and clamp taper angle 14 is about 12 degrees.

These differences are patentably significant because the amended elements relate to advantages the invention has in terms of a method for making and using devices such as retractable barriers for a queue management systems, signposts, exhibition stand, garden furniture and the like which are capable of widespread and uniform use across a broad range of plastic and metal materials, and which avoids cracking and breaking problems in the prior art, for example due to the use of screws. It is submitted that this amendment clearly patentably avoids the applied art. Withdrawal of the rejection is requested. **Dependent claim 2** is canceled in view of being incorporated into base claim 1 by the amendment.

**Claim 6.** This dependent claim stands rejected under 35 USC 102 over Mullenberg. Applicant respectfully disagrees with the Examiner's finding that Mullenberg discloses deformation of a tube. The language at col. 1, lines 54-60 cited by the examiner regarding deformation describes how **prior art** "slit ... cone clamping arrangements...facilitate deformation of ... cone rings." The passage describes that the **Mullenberg structure** should "not be a slit...." It goes on to say that "The recess should instead have [walls to prevent] displacement of [a low friction coefficient] center cone ring." The dependent claim is believed to be patentable for this reason in addition to those urged with respect to its amended base 1 claim above.

**Claim 7.** This dependent claim stands rejected under 35 USC 103 over Mullenberg alone. Applicant has further amended this claim to further and more clearly patentably distinguish from the applied prior art. The dependent claim now requires that (1) the clamping member screw threaded passage be a single passage and that it be centrally disposed in the frustoconical clamp, (2) a single screw-threaded bolt, and (3) that the opening in the another component be a single opening, which is centrally disposed. This structure and function is clearly not shown or suggested in Mullenberg. The claim is believed to be patentable for this reason in addition to those urged with respect to its base claim above.

**Claim 8.** Independent Claim 8 was rejected under 35 USC §102(b) as being anticipated by Mullenberg. Applicant respectfully contends that Mullenberg does not anticipate the claim as originally filed. The focus or intent of Mullenberg's invention is a 3-part **clamping set 10** for clamping a solid **shaft 2** ("inner component") to a **hub 1** ("outer component") of a gear, wheel, or drive pulley for conveyor belts or the like (col. 3, lines 25-29). Applicant believes that in a clear

and straight forward construction of Mullenberg, the inner component should be equated to the claimed **tube** and the outer component should be equated to the claimed **base**. In the examiner's construction of Mullenberg; he equates the clamping set outer cone ring 18 to the claimed base, clamping set center cone ring 21 to the claimed tube, and clamping set internal cone ring 11 to the claimed clamping member. Applicant respectfully disagrees with the Examiner's construction. The Examiner's construction is improper because it can only be reached with the benefit of a hindsight viewing of applicant's claim.

In the proper construction asserted by applicant, Mullenberg fails to disclose, suggest or render obvious the claimed base "opening, passage or recess being of generally tapering form". Rather, the Mullenberg arrangement includes a non-tapering, cylindrical opening (surface 17 of hub 1). In the embodiment of Figure 1, Mullenberg shows the inner component as being a solid shaft, not a claimed "tube" with hollow interior. Further, in neither of the Mullenberg embodiments is it disclosed or suggested that the clamping member 10/40 is "secured to the base". In this construction of Mullenberg, it is clear that the essential features of claim 8 are not described or even remotely suggested. As the reference relied upon does not describe all of the essential elements of the claim, the claim is patentable as filed, and withdrawal of this rejection is warranted.

Notwithstanding the lack of anticipation, applicant has amended claim 8 to clearly and non-obviously distinguish from Mullenberg by defining the invention to require all of the elements described above with respect to independent claims 1, 14 and 15. These elements are patentably significant for the reasons discussed for those claims. So, for all of these reasons, withdrawal of the rejection is respectfully requested. **Dependent claim 10** is canceled in view of being incorporated into base claim 8 by the amendment.

**Claim 16.** This new claim is dependent upon apparatus claim 8. It requires that the tube be of uniform wall thickness. In this arrangement the tube tapers at the same angle both internally and externally making the cone angles of the clamping member and the recess approximately the same. In Mullenberg, the cone ring 21 indentified by the examiner as equivalent to the tube has different taper angles on its inner and outer surfaces, being of non-uniform wall thickness, with the result that, if a large force were to be applied to the cone ring 21 urging it to the right in the orientation illustrated, the applied clamping load would be significantly reduced. In the uniform wall thickness arrangement of new claim 16, this would not be the case.

**Remaining Claims.** The remaining dependent claims each adds at least one limitation to the elements of its base claim, and is therefore deemed to be allowable with such base and any intervening claim, at least for this reason.

### **3. Conclusion.**

The pending claims are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is in a condition for allowance. Reconsideration and favorable action are respectfully requested.

**Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, s/he is invited to call at the number below.**

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

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TOTAL Claims Remaining over that Previously Paid:	None	\$ 0
INDEPENDENT Claims Remaining over that Previously Paid:	None	\$ 0
	SUM Claim Fees:	\$ 0
EXTENSION Fees:		\$ 0
OTHER Fees:		\$ 0
	<u>TOTAL AMOUNT (if any)</u>	\$ 0
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Respectfully submitted,



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